

**Government and Business Attitudes towards  
Labour Welfare in Bengal:  
The Maternity Benefit Question (1919-1947)**

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## CHAPTER VIII

# Government and Business Attitudes towards Labour Welfare in Bengal: The Maternity Benefit Question (1919-1947)\*

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With the growth of modern industries in India, large number of people from the lower classes, both male and female, came to work in factories, mines and plantations out of sheer economic necessity. But the problem arose with the female workers at the time of their childbirth. Economic pressure often compelled them to work in an advanced stage of pregnancy and immediately after confinement even at the risk of their own health and the health and mental growth of the child. Most civilized countries had enacted some sort of legislation dealing with this problem although great diversities existed as regards the period of exclusion and the range of employment covered by it, as also the amount and the kind of maintenance.<sup>1</sup>

In Bengal, the concept of maternity benefit was unknown until the question was discussed at the first annual meeting of the International Labour Conference in Washington in 1919. The Washington conference, at which India was a participant, adopted a draft convention to regulate the employment of women both before and after childbirth. The main provisions of the draft convention (stipulated in articles 3 and 4)

\*I am grateful to Syed Anwar Husain for going through an earlier draft of the paper.



were: (a) rest periods of six weeks before and after confinement; (b) maternity benefits; (c) nursing facilities and (d) guarantee of reinstatement in employment after leave.<sup>2</sup> Since the adoption of the draft convention, the question of maternity benefit drew the attention of all those concerned with labour problem in Indian industries. This paper is concerned with the attitudes of the government and the business community towards maternity benefit for female labour working in the factories and in the plantations of Bengal.

## I

As a participant member to the Washington conference, the Government of India opposed the draft convention, and explained that owing to the social customs of the country there had been no occasion to prohibit the employment of women before and after childbirth, or to make provision for maternity benefit.<sup>3</sup> The conference, therefore, modified the draft convention in case of India by the following resolution: "... the Indian Government be requested to make a study of the question of the employment of women before and after confinement, and of maternity benefit before the next conference, and to report on these matters to the next conference."<sup>4</sup>

The Government of India did undertake a study of the question in 1920 and accordingly invited the advice and opinions of local governments on certain points. Unfortunately, however, the letter of the Government of India was written in such a form as if it merely wanted a formal confirmation of its own views from the local governments rather than anything else.<sup>5</sup> The reply was a foregone conclusion. The Government of Bengal, after having consulted the Bengal Chamber of Commerce, wrote back that the Governor in Council was doubtful whether in practice it was possible to regulate the period of absence by any rule, as it was a matter which would be governed by caste and social customs and in which any interference might be resented.<sup>6</sup> His Excellency in Council thought further that probably government could not do more than lay down theoretical periods (before and after childbirth), and urge on employers that absence for these periods should



be allowed without prejudice to the women's subsequent re-employment.<sup>7</sup> The Governor in Council further doubted if compulsory allowances could be proposed at this early stage.<sup>8</sup>

After receiving the opinions of the local governments, and ascertaining the opinions of the chambers of commerce, employers' associations and factory owners independently, the Government of India decided to hold a conference at Simla on 9 May 1921 to prepare a report on maternity benefit to be submitted to the International Labour Office as per its resolution. The outcome of the meeting was also a foregone conclusion. First, the Government of India deliberately avoided including any Indian, either from the trade union leadership or from voluntary associations and organizations. The members were either high ranking provincial or central government officials or Europeans from voluntary associations and organizations.<sup>9</sup> Secondly, at the very outset of the conference it was made clear to the members that the Government of India at that stage was not required to ratify this convention but that it should be in a position to state the reasons why it could not do so, and that as far as possible it should indicate what action it was prepared to take in the direction aimed at in the draft convention.<sup>10</sup> So the conference members, in fact, sat there to find out various difficulties in implementing the provisions of the Washington draft convention on maternity benefits. Nor was it difficult to find a way out. The conference, in the first place, pointed out that compulsory abstinence from work could not under existing conditions be legally enforced. If attempts were made women, who were refused admittance to regulated factories, would easily obtain work in non-regulated factories or in agriculture.<sup>11</sup> Further, employers and inspectors would find it almost impossible to enforce this provision. The existing system of birth registration in India was not sufficiently accurate for the purpose in view. In the second place, the right to leave work prior to confinement would be dependent on the production of a medical certificate. Indian women would be most unwilling to obtain such certificates except from women doctors.<sup>12</sup> The small number of qualified women practitioners in India made such a proposal impracticable. In the third place, the opinion of local governments was on the whole against the institution



of a compulsory levy for the grant of pecuniary help during the period of absence from work due to an advanced stage of pregnancy or confinement.<sup>13</sup> Lastly, it was found that women, who absented themselves from their work in consequence of advanced pregnancy or confinement, did not find any difficulty in being reinstated when they were fit to resume work, and there was, therefore, no practical need for legislation in the matter.<sup>14</sup>

The deliberations of the Simla conference were subsequently communicated to the local governments and they were asked for their views particularly on the question relating to the difficulties of immediate legislation, the encouragement of voluntary system of maternity benefits and the provision of medical aid to industrial workers during the period of childbirth.<sup>15</sup> This time also the Government of Bengal concurred fully with the views of the Government of India as regards the difficulty in legally enforcing compulsory abstinence from work, and pointed out that it was highly impracticable to get medical certificates, stating that the confinement was likely to take place within six weeks.<sup>16</sup> The government also pointed out that time had not quite arrived for the adoption in India of a compulsory maternity benefit scheme and that the best course would be to induce employers to start voluntary schemes.<sup>17</sup> As regards the provision of nursing facilities, the Government of Bengal felt that conditions obtaining in the factories in Bengal were such as to enable women workers to nurse their infants when desired, and doubted whether any useful purpose would be served by asking employers to provide suitable places for this purpose.<sup>18</sup> Nor did the Government of Bengal see any difficulty on the part of the women in Bengal in retaining their employment owing to absence on account of childbirth. Consequently, it saw no necessity for legislation to protect them against loss of employment.<sup>19</sup> In other words the Government of Bengal upheld the views of the Government of India on all points and did not have any new idea or observation to make.

This attitude of the Government of Bengal to tow the line of the Government of India was, of course, reminiscent of its earlier stand on the issue. But the question arises: were the difficulties pointed out by the governments really so insurmountable as to prevent the introduction



of compulsory maternity benefits in India? The apprehension that women would continue to work immediately preceding and following the confinement was preventable. If sufficient allowance could be provided for the healthy maintenance of the mother and the child during this critical period of their lives, it was difficult to believe that a woman would return to work earlier than the prescribed period. As the committee of the International Labour Conference so correctly stated: "The main safeguard for due observance is the payment of a maternity benefit which will remove the incentive to a too early return to work."<sup>20</sup> As regards the enforcement of the scheme and that of the registration of births, it was merely an administrative problem. It could have been solved, had the government wished to do so. The allegation that Indian women would be unwilling to obtain medical certificates except from women doctors was also untenable. As N.M. Joshi pointed out that "the hesitation of women to get a certificate from a doctor belonging to another sex is not found in working class women, it is confined to women of other classes of people."<sup>21</sup> Nor was it right that women found no difficulty in being reinstated after confinement as borne out later by the testimony of some of the witnesses before the Whitely commission on maternity benefits.<sup>22</sup> The crux of the problem, therefore, lay somewhere else.

Thus till 1921, the Government of India had opposed the move to introduce compulsory maternity benefit in India no less than three times: first, at the Washington conference in 1919; secondly, in their suggestive letter addressed to the local governments in 1920 and thirdly, at the Simla conference in 1921. The Government of Bengal also endorsed the view of the Government of India both in 1920 and in 1921. However, the opposition of the governments did not end there. In September, 1924, N.M. Joshi, the veteran labour leader and a participant at the first annual International Labour Conference in Washington, introduced his Maternity Benefit Bill in the Legislative Assembly to regulate the employment of women in factories, mines and plantations.<sup>23</sup> Joshi's bill thus revived the discussion that had taken place on the subject in 1920-21. The main provisions of Joshi's Bill were the same as the main provisions of the draft convention of the International Labour



Conference. His proposals regarding the financing of his measures went, however, somewhat beyond those of the convention inasmuch as they would make government the agency for paying benefits, and would institute a government levy on employers.<sup>24</sup> The Government of Bengal felt that the feasibility of financing such a levy had already been discussed in 1920-21 and hence in its view "there is, in effect, no important constructive element in Mr. Joshi's Bill that is new to the controversy".<sup>25</sup> His Excellency the Governor in Council, therefore, after consultation with the employers' organizations rejected the bill *in toto*.<sup>26</sup> The government felt that the only course likely to prove useful would be the working out by employers of private maternity benefit schemes suited to the varying conditions in each industry, and no action by legislation of any kind was deemed practicable. The Government of Bengal in its letter dated 4 July 1925 stated:

His Excellency in Council feels that nothing to this effect is at present achievable by legislation. The measures that might succeed in present conditions will depend mainly on goodwill and the exertion of personal influence on the side of the employer; a legislative direction that such and such steps shall be taken would, pending a considerable excursion in experiments, be premature, and the interference involved would forfeit personal enthusiasms.<sup>27</sup>

The Government of India also, while sympathising with the basic objects of the bill, rejected it on the grounds which were already reported to the International Labour Office in 1921.<sup>28</sup>

The Government of Bengal's attitude towards legislation on maternity benefit did not change throughout the 1920s. In its memorandum to the Whitley commission, it did not put forward any new idea but preferred to send a note on the extent and working of voluntary maternity benefit schemes then existing in Bengal.<sup>29</sup> In other words, the Government of Bengal, still adhered to its earlier stand on maternity benefit and still believed on the utility and goodwill of employers. But the Whitley commission was skeptical about such schemes and deprecated the provincial governments which did not enact



legislation on maternity benefit for female labour in perennial factories. The commission observed:

As most people now accept the principle of maternity benefit for industrially employed women, it is unnecessary to put forward here any special plea for such a scheme. The general standard of life being so low, there can be little doubt that some form of maternity benefit would be a great value to the health of the woman worker and her child at a vulnerable period in the lives of both. . . . We believe the time is ripe for the introduction of legislation throughout India making a maternity benefit scheme compulsory in respect of women permanently employed in industrial establishments on full time processes.<sup>30</sup>

The Whitley commission further laid down the lines on which maternity benefit enactments should take place.<sup>31</sup> The commission also advocated, contrary to the views expressed by the representatives of the planters' organizations, the enactment of maternity benefit legislation for the plantations.<sup>32</sup>

Why did the government, both central and provincial, take such an adamant stand on a welfare measure like maternity benefit? The question is not very difficult to answer. The Washington convention had stated that the fund for the healthy maintenance of the mother and child were to be provided "out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country".<sup>33</sup> This meant that the source for financing such a scheme must come either from the government or the employers or the employees or each group contributing a portion of it. But unfortunately for India, it was well-nigh impossible on the part of the workers to contribute even a fraction of their wages towards the maintenance of a maternity benefit fund, as wages of workers, and in particular those of female workers, were already too low. "If a man gets Rs. 25 per month, a woman in the same place will get about Rs. 15 a month".<sup>34</sup> Hence, the government knew that the money must come either from its own purse or from that of the employers or each contributing a portion of it. As for the Government of Bengal, its financial position in the 1920s and



'30s was already in the doldrums. Even after cutting down many essential heads of expenditure, the government was already finding it difficult to run the administration.<sup>35</sup> The cause of this economic misfortune was the iniquitous Meston Award which deprived Bengal of its legitimate share in the revenue of the province. Hence, the Government of Bengal could not but oppose the move to legislate a maternity benefit scheme. The Government of India at the same time, was probably not prepared to contribute anything towards the maintenance of a maternity benefit fund to be operated by the provinces, as labour was a provincial subject under the Government of India Act of 1919. Under the circumstances, the Bengal government looked towards the employers for the operation of the scheme. Unfortunately, however, the employers objected to the taxing of industries for such a purpose which left the government with no option but to discard the idea of legislation.<sup>36</sup> One might then ask why the government did not go in for coercive legislation. This the government avoided as it always had a very cordial relationship with the prosperous and influential European community living in Bengal. Further, coercive legislation, the government thought, could result in the throwing out of women workers at the very first sign of pregnancy so as to avoid the payment of maternity benefit.<sup>37</sup> Hence it favoured the idea of persuading the employers to start voluntary maternity benefit schemes on their own. In the words of the Government of India, "more would probably be gained by enlisting the sympathy of the management than by passing legislation".<sup>38</sup>

## II

In reply to the Government of India's query in 1924 as to how far the efforts to encourage the employers to initiate voluntary maternity benefit schemes had been successful, the Bengal government euphorically wrote back that "employers as a whole have voluntarily taken upon themselves the practical recognition of the principles underlying the employment of women . . . before and after childbirth, passed at the International Labour Conference at Washington in 1919".<sup>39</sup> But an objective study of the question shows otherwise. Till 1924, only a few factories



had started voluntary maternity benefit schemes of any kind. In 1920, the commissioner of Burdwan division reported that no wages or allowances were paid to the women during such absence.<sup>40</sup> In 1924, the commissioner of the same division, J.N. Gupta, reported further that "there is no such scheme in any of the districts of Bankura, Birbhum, Midnapore, Hooghly or Howrah".<sup>41</sup> Similar reports came from the commissioner of the Presidency division who found no maternity benefit schemes in operation in the districts of Nadia, Murshidabad, Jessor or Khulna.<sup>42</sup> R.P. Adams, Chief Inspector of Factories, Bengal, remarked in his report that "very little has been done by the large industrial concerns in this province in the way of direct maternity benefits".<sup>43</sup> The truth of Adam's statement was admitted by H.M. Haywood, secretary, Bengal Chamber of Commerce.<sup>44</sup> The honorary secretary, Chittagong Chamber of Commerce said the same about his region,<sup>45</sup> while Narayanganj Chamber of Commerce evaded the question and wrote back that in the European jute baling factories the labour was generally provided with free medical attendance and medicine and considered itself well-looked after in this respect.<sup>46</sup> The picture was not very different till 1929. Only a few factories until then had been induced to start some sort of voluntary maternity benefit schemes.

The inquiry of 1924 showed that among the few factories which had started maternity benefit schemes till then, the earliest was the Bengal Iron Works at Kulti in 1919-20.<sup>47</sup> According to the scheme, women to be eligible to receive maternity benefit must have served the company during the entire period of gestation and confinement.<sup>48</sup> There was a further stipulation that no woman was allowed during the period of leave with pay to work for anyone else. In return, the company provided for ten days' leave with pay.<sup>49</sup> This leave was divided into three days prior to confinement and seven days thereafter as far as it was possible to foretell the date of delivery.<sup>50</sup> Obstetrical treatment was also imparted free and a staff of *dais* under a qualified English nurse was maintained by the company for the purpose.<sup>51</sup> Thus we find that the Kulti scheme, though it fell short of expectations, was a fair beginning, as it not only provided monetary aid but also imparted free medical treatment to expectant mothers. A



welfare centre was also started a few years later at Kulti Works and this was reported to be making "excellent progress".<sup>52</sup> The work was under the charge of a qualified matron, assisted by a trained nurse and *ayahs*.<sup>53</sup>

Voluntary maternity benefit schemes were also started in a few jute mills in the 1920s. R.P. Adams, reported in 1924 that a scheme of maternity benefit was in operation at the Kelvin Jute Mills under which women received weekly payments, two weeks before and three weeks after childbirth.<sup>54</sup> During this period women were allowed to discontinue work, but he regretted that the scheme was not working successfully as many women abused the privilege by taking employment in other mills.<sup>55</sup> However, in spite of its shortcomings, the scheme was kept alive as was reported by W.O. O'Connor, Senior Certifying Surgeon of Factories, Barrackpore district, before the Royal Commission of Labour.<sup>56</sup> A scheme was also started at Baranagore Jute Mills where monetary benefits were granted to women before and after childbirth.<sup>57</sup> However, the scheme proved a failure owing mostly to evasion of the condition that a woman should not work during the receipt of the benefit, and it was discontinued about the beginning of 1924.<sup>58</sup> A much more elaborate scheme was started by the Titaghur Jute Mills in March 1923,<sup>59</sup> substituting benefits in kind for benefits in money. Under this, an institution was set up in the nature of a health centre and baby clinic on the mill premises. The clinic was under the direction of a qualified European lady, and during the period from April 1923 to November 1923 it was claimed that 304 children (under the age of 6) received medical treatment, and 252 mothers and 20 expectant mothers turned up for medical care.<sup>60</sup> Other details of the Titaghur scheme included classes for indigenous *dais* for each attendance of which they received two annas, and general classes for women and girls at which they were taught mothercraft and sewing.<sup>61</sup> Government's expression of satisfaction at the Titaghur scheme led two other jute mills, Kankinarrah and Angus, to start maternity clinics on the same lines in 1926.<sup>62</sup> From January 1927, the Kankinarrah Mills also granted cash maternity benefits for four weeks before and after confinement to women workers of over 12 months' service.<sup>63</sup> O'Connor reported to the



Royal Commission on Labour that no less than 340 women had received this benefit at the time of his writing the report.<sup>64</sup> The Angus Mills, on the contrary, did not start granting cash maternity benefits to the expectant mothers till September 1929 as the company believed that payment of money before and after childbirth was of less benefit to the women than providing for proper medical supervision at childbirth.<sup>65</sup> The Angus Mills, however, started a creche (baby nursery) for small children within easy access of the mothers when working in the mills but this had to be closed down in 1932 owing to trade depression.<sup>66</sup>

Thus, till 1929 only a handful of jute mills—Kelvin, Baranagore (which abandoned its scheme in 1924), Titaghur, Angus and Kankinarrah—had voluntarily evolved some sort of maternity benefit schemes for their female labour. The rest of the jute mills had yet to start such labour welfare measures. However, the great jute mills strike of 1929 changed all that and maternity benefit for female labour became a general feature in the jute mills in the 1930s. Regarding its adoption in the jute mills, the Indian Jute Mills Association had this to say:

Until recently the question of maternity benefits has not seriously arisen, but when the recent strike in the jute mills took place, the matter was considered in connection with the terms of settlement as between the Association and the Government of Bengal. . . . The position now, however, is somewhat different, as a definite recommendation has been put forward to members by the Indian Jute Mills Association.<sup>67</sup>

As a result of this recommendation, all member mills of Indian Jute Mills Association started paying maternity benefits to their female workers, the usual rate of allowance being Rs. 2.25 per week for two weeks before delivery and from two to three weeks after delivery.<sup>68</sup> Maternity cases were allowed leave until they reported fit for work when they were re-employed.<sup>69</sup> In many cases, the Indian Jute Mills Association claimed, the mills also maintained baby clinics for the use of workers' wives and children, and in all mills free medical attention and free



medicines were supplied to all employees.<sup>70</sup> Creches were also established in some of the mills.

Among the cotton factories, Kesoram Cotton Mills was perhaps the only one in Bengal which had a maternity benefit scheme in operation. It paid a cash gratuity of Rs. 10 to all prospective mothers with continuous service of three months or more and granted fifteen days' leave with full pay to those with continuous service of up to six months, and a month's leave with full pay to all those with continuous service of seven months or more.<sup>71</sup> Cash gratuities were paid before the parties went on leave, and the leave allowances were paid if they rejoined duties within four months from the date of the sanction of the leave.<sup>72</sup>

As for the smaller companies, it is highly unlikely that they had any maternity benefit schemes at all. The chief inspector of factories of Bengal regretted in one of his reports the lack of interest on the part of the owners of small factories to better the living conditions, although the need to do so was greatest in such establishments.<sup>73</sup>

Thus, we find that some kind of voluntary maternity benefit schemes came into operation in most of the larger industrial establishments of Bengal by the beginning of the 1930s. However, factory owners adopted a discriminatory policy towards the employment of women. Although there had been an increase in the number of workers in perennial factories by over 1,26,000 during the period from 1932 to 1939, this increase nearly entirely took place among male workers only. On the other hand, the number of female workers increased by only 310 during the same period (see Table 1). In other words, the percentage of adult female workers came down from 12.88 to 9.89 while in the case of adult males it increased from 86.22 to 89.12 per cent. This policy of progressive elimination of women seems to have been pursued most vigorously by the jute mills of Bengal. Ever since N.M. Joshi moved his Maternity Benefit Bill in the assembly, the mills had been following this policy systematically. In the year 1925, for example, the percentage share of adult women working in the jute mills was 16.40 but came down gradually to 13.35 by 1939.<sup>74</sup> During the same period, the percentage of male operatives increased from 75.77 to 86.04.<sup>75</sup> In the



Table 1

**Average Number of Adult Male and Female Workers  
in the Perennial Factories of Bengal, 1932-1940, 1946\***

Year	Total workers	Males	% of (2) to (1)	Female	% of (4) to (1)
	1	2	3	4	5
1932	407,659	351,472	86.22	52,514	12.88
1933	406,130	353,590	87.05	49,649	12.22
1934	428,814	376,778	87.87	49,560	11.56
1935	456,709	398,420	87.24	49,951	10.94
1936	489,464	430,510	87.96	52,456	10.72
1937	523,713	456,023	88.41	53,280	10.17
1938	524,266	467,348	89.14	52,339	9.80
1939	533,921	475,853	89.12	82,824	9.89
1940	556,155	500,046	89.91	51,024	9.17
1946	669,292	599,782	89.62	59,271	8.86

\*Yearly figures of adolescents and children and their percentage to the total work-force have not been shown separately.

Source : Govt. of Bengal, *Annual Report on the Administration of the Factories Act in Bengal for the year 1932* (Calcutta, 1933), p. 36 and the subsequent annual issues till 1940. The figures for 1946 from *Ibid.*, 1946 (Alipore, 1948), p. 3 and Statement IV, pp. 100-101.

cotton spinning and weaving mills as well the same policy is discernible. The percentage share of adult female labour force decreased from 12.62 in 1929 to 5.23 in 1939 while there was a corresponding increase in the number of adult male workers from 80.46 to 93.43 per cent during the same period.<sup>76</sup> Further, the benefits derived by the female workers on the whole were extremely meagre. This is apparent from some of the figures of maternity benefit payment which we have been able to trace. An analysis of the amount of maternity benefit paid by four of the jute mills, which were members of the Indian Jute Mills Association, for the years 1930 to 1934 shows that the total benefits paid to female workers never exceeded more



than 0.70 per cent of their wages in any single year, and it was as low as 0.27 per cent in the year 1930 (see Table 2). The

**Table 2**  
**Particulars of Maternity Benefits Paid by Four**  
**Jute Mills, 1930-1934**

Year	Av. daily no. of persons employed	No. of persons covered	Total wages of persons covered (in Rs.)	Benefits paid (in Rs.)	% of Col. (4) to Col (3)
	1	2	3	4	5
1930	10,467	1,724	2,23,854	604	.27
1931	8,780	1,513	1,76,577	1,044	.59
1932	7,832	1,373	1,53,964	966	.63
1933	7,897	1,358	1,64,781	1,071	.65
1934	7,929	1,326	1,56,638	1,103	.70

*Source* : Bangladesh Secretariat Records (BSR), Bundle No. 23, Commerce A Proceedings, December 1935, No. 134. See, Letter No. 1903D, dated Calcutta, 23 September, 1935 from the Indian Jute Mills Association to the Bengal Chambers of Commerce.

variation among the mills in the payment of maternity benefit was also striking. For example, one of the mills in 1930 paid only Rs. 9 when the total wages of persons covered amounted to Rs. 50,586.<sup>77</sup> Another mill paid only Rs. 34 in 1930 against a total wage-bill of Rs. 34,571.<sup>78</sup> On the other hand, the payment of one particular mill ranged from Rs. 313 in 1930 to Rs. 621 in 1931, the percentage of payment to total wages of persons covered being .43 and .96 respectively.<sup>79</sup> The number of creches was also very limited and improperly maintained. A survey of the creches made towards the end of the 1930s showed that out of 160 registered factories having more than 50 women workers, only 18 factories had made provision for nursing babies, and only two—Kankinarrh and



Reliance Jute Mills, had each a creche as visualized by rule 70 of the Bengal Factories Rules, 1935.<sup>80</sup> As regards the claim of re-employment of women after childbirth, we have evidence that women were kept waiting for months before being reinstated.<sup>81</sup>

In the tea plantations, the provision of maternity benefit was non-existent till the early 1920s, and indirect help like hospital, treatment, etc., was thoroughly inadequate. Dr. Dagmer Curjel of the Women's Medical Service mentions in her report that hospitals in many cases had open wards and there was no provision for the nursing and protection of women patients.<sup>82</sup> The doctors employed therein also did not necessarily possess a registerable qualification, the salary offered being too low to attract better trained men.<sup>83</sup> She found *dais* being employed universally. "Some of these *dais* were relatively clean in person, and had fairly successful results, others were dirty, and death occurred among the mothers attended. *Dais* regarded abnormal cases as foredoomed to die".<sup>84</sup> This critical report and government request for the introduction of voluntary schemes seemed to have some positive effect on the improvement of women's maternity conditions before and after confinement. It was claimed in the Legislative Assembly in 1925 that three years ago all British estates in Assam, Cachar, the Duars and Darjeeling had adopted voluntary maternity benefit schemes, with the exception of a few Indian-controlled and managed gardens.<sup>85</sup> The Darjeeling Planters' Association claimed that the benefits included, other than free medical attendance and free medicine, milk and ferruginous foods, a bonus of Rs. 5 at birth and in many cases a further Rs. 5 when the child attained one year of age and had been well-looked after.<sup>86</sup> In many cases, it was further claimed, full wages were paid to the mothers for a month or more after childbirth.<sup>87</sup> Light work was also arranged for mothers, both before and after birth. More or less similar schemes were in operation in "most gardens in the Terai".<sup>88</sup> In the Duars, claimed the chairman of the Duars Planters' Association, all the British-managed tea gardens, 98 in all, had maternity schemes.<sup>89</sup> The underlying principles of the schemes included, according to the chairman, a minimum of one month's pay to mothers at the time of confinement, a bonus of from Rs. 5 to



Rs. 15 during or at the end of one year after the child was born, and special treatment in case of illness, with a free supply of fresh milk and patent food and other necessities as recommended by the district medical officers.<sup>90</sup> That "almost universally" full pay for some time before delivery was given to expectant mothers, and that this was continued until they fully recovered after the birth, and also a bonus of Rs. 5 to Rs. 12 was given in the plantations of Jalpaiguri was testified to by the deputy commissioner of Jalpaiguri in his written report to the Royal Commission on Labour in India.<sup>91</sup>

**Table 3**  
**Maternity Benefits in the Tea Estates of Bengal,**  
**1938**

	Before	During	After
	confinement (no. of estates)		
Leave of absence was given by—	125	—	156
Light work was given by—	136	—	134
Monetary benefits were paid by—	54	—	157
Free medical attention and medicine were provided by—	179	179	179
Special food was given when necessary by—	139	—	153
Free hospital accommodation was provided by—	126	126	126
Trained midwives were provided by—	—	35	—

*Source* : BSR, Bundle No. 55, Commerce B Proceedings, file No. 1A-2(1) of 1941. See, Letter No, 2589/175-O dated Calcutta, 13 August 1938 from the Secretary, Indian Tea Association to the Secretary, Government of Bengal, Department of Commerce and Labour.

But was the picture really so rosy as depicted by the employers and local administration? A detailed study of the



tea estates showed that there were about 322 tea estates in Bengal employing some 125,000 women workers around 1938.<sup>92</sup> Of these estates, 228 gardens (of Duars Planters' Association, the Darjeeling Planters' Association and the Terai Planters' Association) were represented by the Indian Tea Association.<sup>93</sup> A comprehensive report on maternity benefit of 179 tea estates out of 228 represented by the Indian Tea Association showed that cash maternity benefits of varying amounts was paid by about 30 per cent of the estates before confinement, and 88 per cent did so after confinement only. Leave of absence was also provided by over 30 per cent gardens. Further, no arrangements were made by gardens for treatment of pre-natal and post-natal cases.<sup>94</sup> Deliveries usually took place in the lines as women were disinclined to go to hospitals in charge of male doctors.<sup>95</sup> As regards the amount of benefit before confinement, it varied from a lump sum payment of Rs. 2.5 to Rs. 5 only.<sup>96</sup> The amount of lump sum bonus after confinement varied from Rs. 2 to Rs. 12.<sup>97</sup> Weekly allowances also varied greatly from Re. 0.5 a week to Rs. 1.5 for periods varying from two weeks to three months.<sup>98</sup> Thus, we find that great variations existed as regards payments before and after confinement and also as regards the periods of payment. It is also to be remembered that the Indian Tea Association mainly represented the European-owned and controlled tea estates. If these were conditions in most of the European gardens, they were worse in the Indian-owned and managed gardens. The Indian Tea Planters' Association (representing mainly the Indian-controlled and managed gardens of Jalpaiguri), for example, reported in 1938 that "certain estates pay a maternity bonus at the rate of Rs. 5 after childbirth, some others also pay at the rate of As-/3/- [or less than Re. 0.19] per diem till she is fit to work. But there is no uniform practice in the Estates".<sup>99</sup> The deputy commissioner of Jalpaiguri also named five gardens situated in his district which did not pay maternity benefit at all and belonged neither to the Duars Planters' Association nor to any other association.<sup>100</sup> Likewise, in Chittagong, 13 gardens paid varying rates of maternity benefit while two did not pay anything.<sup>101</sup>



## III

The idea that the results might not be encouraging if maternity benefit schemes were left to be evolved and operated by the employers themselves without government control and supervision was perhaps realized by M.N. Joshi in the mid-1920s. His thinking found expression in his introduction to the Maternity Benefit Bill of 1924 in the Legislative Assembly which envisaged a central act for the regulation of employment of women in factories, mines and plantations some time before and after confinement. Unfortunately, as we have seen earlier, his bill was rejected. However, the debate raised one important point whether legislation of this type, if it was considered desirable, should be provincial or central. Later on, after discussions with the local governments, the Government of India decided that such legislative actions should be left to the provincial governments. Accordingly, two provincial governments—Bombay and the Central Provinces—enacted legislation in this regard in 1929 and 1930 respectively.<sup>102</sup> As for Bengal, it took nearly another decade before such an enactment was made in 1939.

The delay in the enactment of maternity benefit act in Bengal even after Royal Commission's recommendations was not due to financial stringency on the part of the government, for the government was not called upon to bear the expenses of the cost of the scheme but only to administer the act.<sup>103</sup> Nor was it due entirely to apathy and indifference on the part of the government. In fact, the government did draft a bill on the lines of the Bombay and Central Provinces Maternity Benefit Acts, as recommended by the Royal Commission in 1932-33, but it was not proceeded with "in view of the trade depression and pending revision of the Indian Factories Act, 1911".<sup>104</sup> That industries in Bengal were generally affected as elsewhere in the 1930s is not doubted, but maternity benefit acts were being passed during this time in other provinces and princely states in India. Madras had passed its Maternity Benefit Act in 1934 while Baroda State adopted the Bombay act with certain modifications in 1936.<sup>105</sup> In the same year, Indore also followed the general principles of the Bombay act.<sup>106</sup> Thus, it is hard to believe that economic



depression was the actual cause of the postponement of maternity benefit legislation in Bengal. Nor it is understandable why the Bengal government should wait for its maternity benefit legislation till the revision of the Indian Factories Act when Madras could very well go ahead with its legislation. The actual reason for the delay, therefore, lay possibly in the influence and might of the capitalist elements in Bengal. They not only controlled the economy of Bengal but exerted influence far in excess of their numerical strength in the province. If the British government in Bengal had shelved the files regarding maternity benefit on the plea of economic depression and revision of the Indian Factories Act, it was simply because the capitalist elements in Bengal were not prepared then to accept any such scheme. With the enactment of the Government of India Act in August 1935, not only were the files reopened (in November 1935),<sup>107</sup> even though economic depression continued unabated but a draft bill on maternity benefit was also circulated for public opinion in September 1936.<sup>108</sup> But unfortunately, the new provincial government which came into power in August 1937 (under the Government of India Act, 1935) could not proceed with the legislation as quickly as it might have desired. This was mainly due to the government's policy to enact "an agreed legislation", legislation which would have the approval of all quarters—the government, employers, employed and those interested in labour problems in Indian industries. As a result, the government refrained from proceeding with legislation directly (as some members wished)<sup>109</sup> and asked the assembly instead on September 30, 1937 to refer the bill to a select committee consisting of 21 members from different shades of opinion.<sup>110</sup> The report of the select committee was presented to the assembly on 29 July 1938<sup>111</sup> and the bill after having passed the two houses became law in 1939 (Bengal Act IV of 1939). Necessary rules were also promulgated on 2 January 1940 to give effect to the act.<sup>112</sup>

The act provided for the payment of maternity benefit to women who had been employed in perennial factories for a period not less than nine months immediately preceding the date of delivery.<sup>113</sup> The benefit was given at the rate of average daily wages or eight annas (Re. 0.5) a day, whichever was higher, for a period of eight weeks at every childbirth, i.e., four weeks



immediately preceding and four weeks immediately following the childbirth.<sup>114</sup> However, the beneficiary was not to work for gain at any time during the period for which she received payment. If she did so, she was liable, on conviction, to a fine not exceeding ten rupees.<sup>115</sup> As regards the proof of birth of the infant, the procedure was simplified as much as possible. As a certified extract from a birth register maintained under the Bengal Births and Deaths Registration Act, 1873 was not always feasible, provision was made for the acceptance of a certificate signed by a medical practitioner or such other proof as might be acceptable to the employer.<sup>116</sup> Another good provision of the act was that in case the woman entitled to receive the benefit died leaving the newly born child, the benefit would still be payable to the woman's nominee or her legal representative.<sup>117</sup> Provision was also made against wrongful dismissal by the employer "without sufficient cause" within a period of six months before the delivery.<sup>118</sup> As to what would constitute a sufficient cause was left to be decided by the inspector of factories.<sup>119</sup>

Although the act embodied many of the good provisions of the existing provincial and state maternity benefit acts, it did not go far enough. Notwithstanding the fact that the Royal Commission on Labour in India made positive recommendations for maternity benefit for both factories and plantations, the act restricted itself to the regulation of employment of women working in the factories only. Thus, thousands of women working in the tea plantations of Bengal were excluded from the operation of the act. Further, women working in the seasonal factories like rice mills, jute presses, oil mills, sugar mills, etc. were deprived from getting the benefits, as a woman to qualify for such benefit was required to put in at least nine months' service under an employer. In a seasonal factory that continuity was lost. Secondly, the period for which a woman was entitled to receive benefit was fixed at eight weeks. This was less than the period stipulated by the International Labour Conference in 1919, viz., six weeks prior to confinement and six weeks after delivery. That the period should be extended to a total of twelve weeks was strongly demanded by some of the members of the assembly. Mira Dutta Gupta in her minute of dissent in the select committee felt that "in any event, an



extension of 2 weeks, making altogether 6 weeks after delivery, is not only desirable but essential on grounds of health of the mother. It is well known that there are countries in Europe where the working mother is entitled to maternity benefit for a period of two months before and two months after delivery".<sup>120</sup> The same sentiment was voiced by Azhar Ali while moving his amendment in the assembly in favour of twelve weeks.<sup>121</sup> But the Labour Minister H.S. Suhrawardy silenced the members by reminding that "a Bill of this agreed type should pass with the goodwill of the employers instead of an attack being made to extort from the employers concessions which they are not prepared to give, and the result will be that the women affected by this Bill will be thrown out of employment".<sup>122</sup> Thirdly, the amount of benefit payable was considered unsatisfactory. It was felt that the minimum cash benefit should have been fixed at a higher figure, viz., Re. 1 per day or Rs. 30 per month instead As. 8 per day, as the needs were much greater and the cost of looking after the new born baby was also high.<sup>123</sup> Moreover, it was pointed out that for a period before and after delivery, the mother needed more than the average nourishment. An amendment moved by Sibnath Banerjee in the assembly to increase the amount to twelve annas a day was rejected by the house.<sup>124</sup> It was also felt that maternity benefit should have been made available to a woman for four weeks after delivery, irrespective of the period of her employment. If, however, such a provision proved to be a great hardship upon the employer, provision should have been made for advance to the woman.<sup>125</sup> Lastly, the qualifying period for the benefit was fixed at nine months continuous service under an employer. In the United Provinces, it was fixed at six months.<sup>126</sup> The Mines Maternity Benefit Act also fixed the qualifying period at six months.<sup>127</sup> An amendment moved in this regard to make the qualifying period to six months for Bengal was lost in the assembly.<sup>128</sup>

With the coming into operation of the act on 1 January 1940 the dismissals of female workers seem to have increased, contrary to the assurances held out by the employers' representatives. In the jute mill industry, the percentage of female operatives came down from 13.35 in 1939 to 12.19 in 1942. Thereafter, there was an improvement in the matter (see



Table 4). But the same was not true in the case of cotton spinning and weaving mills. In 1939, 5.23 per cent of the workers were female<sup>129</sup> but the percentage came down to 4.77 in 1946.<sup>130</sup> Separate figures for other industries are not available but we know that, on the whole, since the beginning of the operation of the act, the employment of female labour had decreased. Thus, in 1939, 9.89 per cent of the workforce in the perennial factories of Bengal consisted of female labour but the number came down to 8.86 per cent by

**Table 4**

**Average Number of Adult Male and Female Workers  
employed in the Jute Mill Industry in Bengal,  
1939-1946\***

Year	Total workers	Male	% of (2) to (1)	Female	% of (4) to (1)
	1	2	3	4	5
1939	281,229	241,976	86.04	37,534	13.35
1940	284,720	246,882	86.71	36,479	12.81
1941	286,681	251,388	87.69	35,255	12.30
1942	287,914	252,799	87.80	35,083	12.19
1943	279,919	245,125	87.57	34,759	12.42
1944	267,193	231,121	86.50	36,005	13.48
1945	283,847	243,282	85.71	38,789	13.67
1946	292,779	248,704	84.95	40,935	13.98

\*Yearly figures of adolescents and children and their percentage to the total workforce have not been shown separately. But it is likely that such figures have been shown in the total for the years from 1941 to 1944, although slight discrepancy is discernible.

Sources: *Annual Report on the Administration of the Factories Act in Bengal for the year 1939*, pp. 96-97; *Ibid.*, 1940, pp. 94-95; Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Jute Mill Industry* by S.R. Deshpande (Delhi, 1946), Table III, p. 6 for the figures from 1941 to 1944. The figures for 1945 and 1946 from *Annual Report on the Administration of the Factories Act in Bengal for the year 1946* (Alipore, 1948), Statement IV, pp. 106-109.



1946 (see Table 1). Moreover, to evade maternity benefit many employers dismissed women workers of child-bearing age and replaced them by unmarried girls, widows and women past child-bearing age.<sup>131</sup>

It would also have been quite interesting to know the actual number of claims, number of accepted claims, total amount of claims paid, number of factories and the class of factories subjected to the act. But unfortunately, the annual reports on the administration of the maternity benefit act ceased publication after its first appearance due to exigencies of war.<sup>132</sup> However, from the first annual report we know that the total number of accepted claims in 1940 was 3,716 and that the total amount of benefit paid was nearly Rs. 1,14,000 of which the jute mills alone paid over Rs. 1,08,000.<sup>133</sup> According to the chief inspector of factories, the employers of smaller factories were either evading their responsibilities or, female employment was so intermittent as to preclude conformity with the prerequisite of maternity benefit pay, i.e., nine months' continuous service prior to childbirth.<sup>134</sup> Further, the chief inspector pointed out ignorance on the part of women in certain cases of the protection due to them under the act. Moreover, some employers refused to grant leave to pregnant women even for casual sickness or such other reason and then held that there had been no continuous qualifying period of service.<sup>135</sup> Breaks in continuity of service also occurred due to strikes, layoff, etc. which deprived women of the benefits of the act.<sup>136</sup>

#### IV

While legislative arrangements were being made for the payment of maternity benefit to women workers in the perennial factories of Bengal, the question of doing the same for the plantation labour remained totally undiscussed and neglected in spite of the definite recommendation of the Royal Commission in this regard. The probable reason for the neglect lay in the slow growth of trade union movement in the isolated and distant tea gardens of Bengal and the general apathy of the government of the day. On being reminded by Babu Khagendra Nath Das Gupta, a member of the Bengal Legislative



Assembly from general constituency (Jalpaiguri-cum-Siliguri), Suhrawardy took up the case in October 1937.<sup>137</sup> But it was too late to incorporate the question of maternity benefit for plantations in the forthcoming bill drawn up for factories which had already been referred to the select committee. To incorporate the question of maternity benefit anew for plantation labour in the same bill would not only delay matters but also raise new complications. Hence, the government decided to proceed separately with maternity benefit legislation for the plantation labour.

The task of Suhrawardy was, however, not so easy. The tea interests, especially the Indian Tea Association, at once opposed the move against the standardisation of maternity benefits on the ground that the methods, by which these desirable ends were achieved, differed considerably between estates and such differences were deep-rooted in the tradition and customs of individual gardens and any attempt to enforce uniformity either by the employing interests or by legislation would have undesirable consequences.<sup>138</sup> The Association also pointed out that the condition which might legitimately be applied to a non-resident industrial labour force were inapplicable to the tea garden labouring population in Bengal.<sup>139</sup> The government was, however, not prepared to accept the views of the Indian Tea Association. It felt that since wide divergence in the scales of allowances existed, which in some cases were quite insufficient, and because in many of these plantations the system of maternity benefit was non-existent, some form of legislative compulsion was necessary so as to secure a reasonable level of benefit to all female labourers employed in the plantations.<sup>140</sup> Further, it was felt that, apart from natural obligation towards their women workers in circumstances of comparative isolation on a tea estate, in those days of acute competition between tea companies, no company should be allowed to obtain an advantage in trade over another by reason of non-fulfilment of an obligation which reasonable employers considered fundamental.<sup>141</sup> Moreover, in view of the fact that this system was being standardised by legislation with respect to female labourers employed in the factories, it seemed to be the duty of government to enact these benefits for the tea garden labourers whose number was not inconsi-



derable. Thus, the circumstances were overwhelming in favour of legislation to secure maternity benefit to women employed on all tea plantations. Suhrawardy accordingly suggested that a bill be drafted to enforce uniformity by legislation as most tea gardens gave special benefits to their women and that even the seasonal female labour employed in the tea factories should be included within the purview of the bill, as there was little differences between the two kinds of labour.<sup>142</sup> To stress the need for legislation, he called a conference of the tea interests on 12 December 1940 at the Writer's Building, Calcutta.<sup>143</sup> After discussions, it was agreed that maternity benefit should be extended by legislation to the tea gardens. The following proposals were then put forward by the representatives of the tea industry and agreed to by the minister:

- i) the total maternity benefit should amount to Rs. 12 (reckoning week's earning at Rs. 1-8 approximately);
- ii) the benefit should be admissible to any woman worker who had worked for not less 150 days in the year preceding confinement;
- iii) where a tea garden provided benefits in kind and the scheme of benefits was approved by the government, the benefits might be given in lieu of cash to the extent of 25 per cent of the total compulsory benefits;
- iv) it should be made compulsory for a pregnant woman to attend hospital regularly and such attendance should be made a condition precedent to receiving allowance; and
- v) a pregnant woman might undertake light work on her being certified fit to do so by the medical officer-in-charge and for this she would receive wages in addition to the maternity benefit.<sup>144</sup>

Accordingly, a draft bill—the Bengal Maternity Benefit (Tea Estates) Bill, 1941—was introduced in the council on 12 August 1941 and was modelled closely on the Bengal Maternity Benefit Act, 1939.<sup>145</sup> It also made provisions for the payment of maternity benefit for four weeks immediately preceding and including the date of delivery and



four weeks immediately following that date.<sup>146</sup> However, there was some divergence in the rate and in the qualifying period as well as in the nature of the benefits as condition in the plantation industry differed widely from that in factories. The provisions contained in this regard were based mainly on conclusions reached in December 1940 with the representatives of the majority of tea plantations.<sup>147</sup> The bill was subsequently altered to some extent by the select committee which submitted its report towards the end of August 1941. The committee did not consider it advisable that benefits in kind, in lieu of money, should be included in maternity benefit.<sup>148</sup> Further, it made provision for weekly payments at the rate of Rs. 1-8 per week on the ground that any amount greater than that paid at a time might not be spent for the purpose for which it was paid.<sup>149</sup> The committee also suggested making it incumbent on the women entitled to maternity benefit under this act to permit themselves to be medically examined for the determination of the expected day of delivery and to be treated by medical practitioner both before and after delivery, (the original bill provided for only free ante-natal treatment).<sup>150</sup> The committee added a further provision to ensure that a woman was not deprived of her maternity benefit if, owing to miscalculation, she failed to comply with certain provisions of the act.<sup>151</sup>

The bill, as modified by the select committee, was undoubtedly an improvement over the earlier one. The bill was then taken up for discussion clause by clause and was passed by the Bengal Legislative Council on September 8, 1941.<sup>152</sup> The most striking aspect of the bill which commended itself to the members was the provision regarding medical examination before and after childbirth. Speaking on this point, Dr. K.S. Ray expressed his sentiments thus:

The greatest and most important point in the Bill is that it makes it compulsory for a woman worker to ask for medical examination and treatment before confinement and after confinement. Numerous cases of infant mortality occur due to lack of care during the ante-natal period, and injuries to the mother during the period following the



period of delivery are no less numerous. This Bill makes it compulsory for the women to be examined by a medical officer before she can get any monetary relief. That seems to me to be a great advantage, perhaps greater than the monetary relief that the woman gets, as it will conduce greatly to the improvement of health of the workers in the plantations.<sup>153</sup>

Thus, the ground was prepared for placing in the statute book an act for securing maternity benefits to women employed in the plantations. But unfortunately, the bill became a victim of circumstances and never became a law during the remaining years of British rule in India. A natural question is: what were the impediments that prevented the bill from being enacted? An examination of the course of events suggests that frequent political changes, bureaucratic neglect and bungling and some unexpected developments were main reasons for the non-enactment of the bill till 1947. The message of the passing of the bill in the council was read to and laid before the assembly on 15 September 1941.<sup>154</sup> Notice of five amendments were also received and the government had decided in November 1941 to oppose all the amendments.<sup>155</sup> But unfortunately, the first coalition ministry of Bengal, of which H.S. Suhrawardy was a member, fell in December 1941. With the formation of the second coalition of Fazlul Huq, to which Muslim League was not a party, the moving spirit behind the bill, Suhrawardy, was no more there. The new ministry, possibly to win over the European community who "held the delicate balance of power in the legislature"<sup>156</sup>, did not bother to take up the bill but shelved it on the mere excuse of war emergencies.<sup>157</sup> It was decided not to proceed further with the bill till the restoration of normalcy. However, on the fall of the second coalition ministry in March 1943 and the formation of the Muslim League ministry in April 1943, the bill was again taken up for presentation to the assembly. Notice of motion was given and 3 April 1944 was fixed for consideration of the Bengal Maternity Benefit (Tea Estates) Bill, 1941. As no amendments were received from the assembly, the Bill would have passed within a matter of few hours but at the eleventh



hour, on 1 April 1944, the speaker, Syed Nausher Ali, disallowed the bill under clause 19(2) of the Bengal Legislative Assembly Procedure Rules.<sup>158</sup> The decision of the speaker not to allow the bill to proceed was highly improper. Firstly, he could have referred the bill back to the concerned ministry to sort out any error. This he did not do. Secondly, the speaker's decision was procedurally faulty as the secretary to the legislative department of the Bengal government G.M. Ratcliff, to whom the case was latter sent for opinion, commented:

... I do not see that the Assembly Procedure Rule 19(2) applies to such Bills [originating in and passed by the Council] at all since the phrase 'Bills which have been introduced' must be held to refer to Bills which have been introduced in the Assembly itself. In my view, therefore, no Bill originating in the Council, which has been sent to the Assembly with a message to that effect, can lapse by reason of Assembly Procedure rule 19(2), since the said rule does not apply at all to such Bills.<sup>159</sup>

Ratcliff was further of the opinion that the file be referred to the advocate-general for his opinion and, if he agreed with him, the government should then raise a point of order in the assembly on this matter and argue it out. The file was accordingly sent to the advocate-general who agreed with the views of the secretary to the legislative department in its note of 24 April 1944.<sup>160</sup> Thereafter, the file containing the entire proceedings from 1941 onwards was misplaced (?) by the bureaucrats in such a manner that it was untraceable for two complete years from April 1944 till April 1946.<sup>161</sup> Ultimately, it was "discovered in a locked drawer in the desk now used by the D.S., Home Deptt."<sup>162</sup> By then the Bengal Maternity Benefit (Tea Estate) Bill, 1941 had lapsed on account of the dissolution of the legislature under section 73(4) of the Government of India Act, 1935.<sup>163</sup> It was, therefore, necessary to introduce the bill afresh in the legislative council (or assembly). Time was also more propitious as H.S. Suhrawardy, the original initiator of the bill, was now the chief minister of Bengal. In July 1946 the cabinet decided to present the bill



afresh. After further discussion in the cabinet in September, it was published in the *Calcutta Gazette* in October and was scheduled to be taken up in the council on 17 February 1947.<sup>164</sup> However, unexpected developments at the Tea Plantation Conference in January 1947 at New Delhi forced rescheduling of the time-table as an important amendment was now necessary to give effect to the agreement as regards increased maternity benefit payments.<sup>165</sup> The bill as amended was published in the *Calcutta Gazette* in an extraordinary issue on 17 April 1947, was introduced in the same month and was passed by the legislative council after clause by clause consideration in May 1947.<sup>166</sup> Thereafter partition took place and the bill collapsed once again. It may not be out of place to mention that it was subsequently placed in the statute book of West Bengal in 1948<sup>167</sup> and in East Bengal in 1950.<sup>168</sup>

## V

The general idea of maternity benefit legislation was nothing new. In the United Kingdom, for example, the Factory and Workshops Act of 1901 had prescribed that no woman or girl was to be employed in a factory or workshop within four weeks after she had given birth to a child; and the Maternity and Child Welfare Act, 1918 provided benefits from the compulsory sickness insurance schemes.<sup>169</sup> In the United States, Germany, France, Belgium, Sweden, Italy, Denmark and in some other countries more or less similar provision were in force.<sup>170</sup> Such provisions were also needed in Bengal in view of the uneconomic wages and the resultant poverty of the workers, resulting in high rate of infant mortality, still-births and deaths among women.<sup>171</sup> The payment of maternity benefit could also save many women from incurring heavy debts from diverse sources at exorbitant rates of interest to tide over the difficult time. And yet, as the above account makes amply clear, the Government of Bengal as well as the Government of India remained less than enthusiastic about enacting a suitable legislation to help workers in the perennial factories up to the inauguration of the provincial autonomy. The result was that till 1937 only preliminary work had been done with regard to this class of workers, and no



thought had been given to the need of the plantation labour. And even after the inauguration of the provincial autonomy, the Government of Bengal could pass a law for the benefit of the workers in the perennial factories alone; the plantation measure remained stalled until the end of the colonial regime.

How do we explain the excruciatingly slow progress of one measure and virtually no progress of the other? One thing is certain. The reasons given by the governments that ruled Bengal before 1937 for tardy progress of the legislation are not convincing. During the 1920s, the government justified its attitude on the ground of precarious economic condition. There is no doubt that the economic picture of the province in this period was none too rosy, but was monetary constraint the only reason for government inaction? This seems highly unlikely. The industrial owners in Bengal, unlike other British Indian provinces, were extremely influential and they opposed the idea of maternity benefit tooth and nail from the very beginning. The government knew it too well that without their consent it was almost futile to proceed with legislation. In the first half of the 1930s also, the industrial magnates of Bengal, through their powerful associations and organizations, prevailed upon the government to postpone legislation on the plea of economic depression and the amendment of the factories act.

It was thought that with the inauguration of the provincial autonomy, the hold of these powerful capitalist elements of Bengal would be gradually weakened and justice could then be done to the exploited and deprived workers by bringing in reforms to better their economic and social status in the society. But the actual implication of the Government of India Act, 1935 became clear after the 1937 general elections. The Europeans, who had been given 25 seats in the assembly under the act, started acting like a distinct interest group and "became the balance of power factor on which any ministry in Bengal had to rely for the crucial marginal support".<sup>172</sup> Consequently, any ministry formed in Bengal under the Government of India Act had to depend on the goodwill of the Europeans, especially in matters which affected them. The maternity benefit question was one of those issues in which this capitalist class had a particular interest. The Maternity Benefit Bill of 1939 could not have seen the light of the day, had it not been consi-



derably modified to suit European demands. Yet it was possible to enact a good piece of legislation because of tactful handling of the whole issue by Labour Minister H.S. Suhrawardy. But with his resignation from the ministry in December 1941, we find the subsequent government taking a much less interest in labour welfare question, as it directly affected the European business community. The top permanent officials of the government being mostly Europeans also favoured this go-slow policy. As we have seen, the principal reason for the premature death of the plantation measure was the intransigence of these officials who went to the extent of hiding the relevant files.<sup>173</sup>

As for the behaviour of the capitalist class in providing maternity benefit on voluntary basis, the record is no better. For one thing, excepting a handful of employers most factory owners did not introduce any worthwhile scheme till the end of the 1920s. Although the great jute mill strike of 1929 compelled the jute industry to concede workers' demand for maternity benefit, in actual practice stringent conditions of payment were generally laid down which allowed only a handful of women to enjoy maternity benefits. Further, the period of benefit was only for four or five weeks. But the most shameful aspect of the capitalist behaviour was the policy of gradual replacement of women, probably of child-bearing age, by males or by unmarried women or widows or women past child-bearing age, ever since N.M. Joshi brought his maternity benefit bill in 1924-25.

Even after the enactment of the Maternity Benefit Bill in 1939, some of the factory owners continued to replace women by males. Nor were all factory owners honest in fulfilling their legislative obligation. "His [the worker's] illiteracy, ignorance and helplessness have been largely availed of by some employers who have been able to break or disregard the law with impunity".<sup>174</sup> In the plantation industry, however, the practice of providing some sort of maternity benefit was more extensive from the very beginning of the 1920s, especially in the European controlled and managed gardens. But great variations existed in the amount and duration of maternity benefit payments. Further, there was no proper medical treatment of pre-natal and post-natal cases. Nor do we know how rigidly or liberally



maternity benefit payments were actually made to the women at confinement. The answer to all these problems was a suitable and comprehensive legislation but the European interests, who controlled most of the plantation would have none of it and the government was not in a position to proceed without their support.

The history of the maternity benefit legislation in Bengal reveals, on one hand the collaboration between the European ruling class and European business interests, and on the other, the latter's sinister influence on the counsels of the government.

### NOTES

1. H.J.W. Hetherington, *International Labour Legislation* (London, 1920), pp. 84-85.
2. Proceedings of the Government of Bengal, Commerce Department (Commerce), (Henceforth Commerce Proceedings), April 1921 No. 1, Appendix II, pp. 36-37.
3. *Ibid.*, p. 7.
4. *Ibid.*
5. *Ibid.*, p. 5.
6. See Letter No. 377-T-Com, dated Darjeeling, 2 October 1920 from Secretary, Government of Bengal, Commerce Department to Secretary, Government of India, Board of Industries and Munitions in Commerce Proceedings, April 1921, No. 13, p. 79. The Bengal Chamber of Commerce in its reply to the Secretary of the Commerce Department, Government of Bengal hoped that "in submitting their report on the question to the next International Conference, the Government of India will make it clear that it is not yet possible to apply the convention to commercial undertakings in India". The Chamber, however, did not specify any reason as to why it was not possible to apply the convention in India. It rather expressed satisfaction at the prevailing maternity conditions in Bengal and saw no difficulty on the part of women in retaining their employment after childbirth. The Chamber further claimed that although there was no uniformity of practice, women were paid wages or allowances during their absence which was quite untrue. See for the Chamber's letter. *Ibid.*, No. 12, p. 73.
7. *Ibid.* No. 13, p. 79.
8. *Ibid.*, p. 80.
9. For the list of participants to the Simla Conference see Letter No. L-920, dated Simla, 26 May 1921 from A.C. Chatterjee, Secretary to Government of India to Secretary, Government



- of Bengal, Commerce Department in Commerce Proceedings, July 1921, No. 38, pp. 113-16.
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. See Letter No. 163T-Com, dated Darjeeling, 11 June, 1921 in Commerce Proceedings, July 1921, No. 39, pp. 116-17.
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. See Commerce Proceedings, July 1921, No. 38, p. 114.
21. *Legislative Assembly Debates*, 3 February 1925, Vol. V, No. 9, p. 677.
22. See, for example, the oral evidence of Tulsi Chamar and his wife Telasari in *Report of the Royal Commission on Labour in India*, Vol. V, Part 2 (Calcutta, 1931), p. 25.
23. For N.M. Joshi's Maternity Benefit Bill, 1924 see Commerce Proceedings, July 1925, No. 32, pp. 67-69.
24. N.M. Joshi explained the reason for making government the agency for paying maternity benefit thus: "To prevent women workers from being dismissed some time before they become entitled to the maternity benefit, it is necessary that the maternity benefit should be paid out of the general fund and not by individual employers. As the welfare of labour is a provincial subject it is only proper that the working out of the scheme for the maternity benefit should be left to Local Governments." *Ibid.*, p. 69. However, the idea was opposed by most district officials on administrative grounds. For the views of the district officials see Commerce Proceedings, July 1925, Nos. 37-38, 41, pp. 74-80.
25. See Letter No. 4912 Commerce, dated Calcutta, 4 July 1925 from Mr. J.A. Woodhead, Secretary to the Government of Bengal, Commerce Department to Secretary, Government of India, Legislative Department in *Ibid.*, July 1925, No. 68, p. 144.
26. *Ibid.*, p. 145.
27. *Ibid.*
28. *Legislative Assembly Debates*, 3 February 1925, Vol. V, No. 9, pp. 693-95. One important question, however, which came up during the discussions was resolved: henceforth the provincial governments would enact legislation regarding maternity benefit if they thought it desirable to do so.
29. See "Memorandum on Maternity Benefits" by the Government of Bengal, *Royal Commission on Labour* (n. 22), Evidence, Vol. V Part I, Bengal, pp. 45-48.



30. *Report of the Royal Commission on Labour in India* (Calcutta, 1931), pp. 263-64.
31. These were: (a) legislation should be confined to women employed full time in perennial factories covered by the Factories Act; (b) the scheme should be non-contributory: in the first instance the entire cost of benefit should be borne by the employer; (c) government should have power to exempt individual firms whose existing schemes are at least as liberal as those contained in the act; (d) in the event of any general scheme of social insurance being adopted, maternity benefits should be incorporated and the costs shared by the state, the employer and the worker; (e) the rate of benefit given by the Central Provinces Act is suitable for general application; (f) the maximum benefit period should be four weeks before and four weeks after childbirth; (g) the qualifying period should in no case be less than nine months and might be fixed at twelve months; (h) the more closely benefit can be linked with treatment the better; probably the best method is to give benefit in any case and to add a confinement bonus only if a trained midwife or hospital treatment is utilized. Failure to use existing facilities should not disqualify the applicant, but bonus and benefit together should not exceed the amount laid down in the act; (i) the administration of the act should be entrusted to the factory inspection staff and, whenever possible, to women factory inspectors. *Ibid.*, Appendix I, Summary of Recommendations, pp. 512-13. The probable reason for laying down the fundamental points was to stop the lengthy and fruitless controversy which was then going on in some of the provinces on this important issue.
32. *Ibid.*, p. 412.
33. See Article 3 of the draft convention concerning the employment of women before and after childbirth adopted by the International Labour Conference at Washington in the Commerce Proceedings, April 1921, No. 1, Appendix II, pp. 36-37.
34. *Legislative Assembly Debates*, 3 February 1925, Vol. V, No. 9, p. 676.
35. A.Z.M. Iftikhar-ul-Awwal, *The Industrial Development of Bengal, 1930-1939* (New Delhi, 1982), pp. 35-39; Zaheda Ahmed, "The Financing of Education in Bengal, 1912-1937" in the *Journal of the Asiatic Society of Bangladesh* Vols. XXIV-VI, (1979-1981), pp. 143-48.
35. See Letter No. 596—1925, Calcutta, 5 March, 1925 from the Bengal Chamber of Commerce in the Commerce Proceedings, July 1925, No. 53, pp. 121-23. It is worth pointing out that Joshi tried his best to convince the employers that the burden upon the industries would not be much. According to his estimate "there are about 500,000 women engaged in the industries which are covered by my Bill . . . in one year about 10 per cent of these women will be entitled to maternity benefits, that is about 50,000 women in a



year. . . . I can estimate the cost of the scheme involved in my Bill at about Rs. 15 lakhs per year . . . that the rate of wages of women will not be more than 4 annas per month." But the employers were unwilling to concede this demand. For Joshi's pleading see *Legislative Assembly Debates*, 3 February 1925, Vol. V, No. 9, pp. 675-76.

37. Women workers were earlier systematically dismissed in the provinces where maternity benefit acts came into operation, *Legislative Assembly Debates*, 30 September 1937, Vol. LI, No. 4, p. 2313.
38. Commerce Proceedings, July 1921, No. 38, pp. 113-16.
39. *Ibid.*, December 1924, No. 54, pp. 43-44.
40. *Ibid.*, April 1921, No. 13, pp. 89-90
41. *Ibid.*, December 1924, No. 46, p. 31.
42. *Ibid.*, No. 50, p. 39.
43. *Ibid.*, No. 48, p. 35.
44. H.M. Haywood in his letter dated 29 September 1924 wrote that maternity benefit schemes were not generally in operation in the jute mills. See *Ibid.*, No. 49, pp. 37-38.
45. *Ibid.*, No. 44, p. 30.
46. *Ibid.*, No. 51, p. 41.
47. *Ibid.*, No. 46, p. 31.
48. *Ibid.*
49. *Ibid.*
50. *Ibid.*
51. *Ibid.*
52. *Annual Report on the Administration of the Indian Factories Act in Bengal*, 1930 (Calcutta, 1931), p. 16.
53. *Ibid.*
54. Commerce Proceedings, December 1924, No. 48, p. 35.
55. *Ibid.*
56. Written evidence of Capt. W. O'Connor, *Royal Commission on Labour* (n. 22), Vol. V, Part I, pp. 332-33.
57. Commerce Proceedings, December 1924, No. 48, p. 35; *Ibid.*, July 1925, No. 68, pp. 143-46.
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*, December 1924, No. 49, pp. 37-38.
61. *Ibid.*, July 1925, No. 68, pp. 143-46.
62. *Royal Commission on Labour* (n. 22), Evidence, Vol. V, Part I, Bengal, pp. 45-46.
63. *Ibid.*, pp. 332-33.
64. *Ibid.*
65. *Ibid.*, p. 404. Written evidence of Mr. M. Brooks, Managing Director, the Angus Company Ltd., Calcutta.
66. *Annual Report on the Administration of the Indian Factories Act in Bengal for the year 1932* (Calcutta, 1933), p. 10.



67. *Royal Commission on Labour* (n. 22), Vol. V, Part I, pp. 285-86. Written evidence of the Indian Jute Mills Association.
68. Commerce Proceedings, May 1939, No. 19, pp. 11-12.
69. *Ibid.*, December 1935, No. 134. See, Letter No. 1903D, dated 23 September 1935 from the Indian Jute Mills Association to the Bengal Chamber of Commerce.
70. *Ibid.*
71. *Royal Commission on Labour* (n. 22), Vol. V, Part I, p. 416. Written evidence of Mr. M. Dalmiya, Secretary and General Manager, Kesoram Cotton Mills Ltd.
72. *Ibid.*
73. *Annual Report on the Administration of the Indian Factories Act in Bengal for the year 1933* (Alipore, 1934), p. 6.
74. Awwal, *The Industrial Development* (n. 35), Table 3.8, p. 96.
75. *Ibid.*
76. See *Annual Report on the Administration of the Indian Factories Act in Bengal for the year 1930* (Calcutta, 1931), p. 89; *Ibid.*, 1939, pp. 94-95 for absolute figures.
77. The mill in question (Mill No. 4) started its maternity benefit scheme in January 1925 and it offered benefits at the rate of Rs. 2-2-0 per week for five weeks. For details, see, Commerce Proceedings, December 1935, No. 134.
78. *Ibid.*, See, details of Mill No. 3. The said mill started its maternity benefit scheme on 6 September 1929.
79. *Ibid.* See details of Mill No. 1. It started its maternity benefit scheme on 23 December 1922.
80. Bangladesh Secretariat Records (Henceforth BSR), Bundle No. 50, Commerce Proceedings, B, file No. 2Q—30 of 1940.
81. *Royal Commission on Labour* (n. 22), Vol. V, Part 2, p. 25.
82. Bulletin of Indian Industries and Labour, *Bulletin No. 31, Women's Labour in Bengal Industries* by Dagmer F. Curjel (Calcutta, 1923), p. 28.
83. *Ibid.*, p. 27.
84. *Ibid.*, p. 29.
85. *Legislative Assembly Debates*, 3 February 1925, Vol. V, No. 9, p. 691. See speech by Mr. W.S.J. Wilson.
86. Commerce Proceedings, December 1924, No. 47, p. 33.
87. *Ibid.*
88. *Ibid.*
89. *Ibid.* pp. 33-34.
90. *Ibid.*
91. *Royal Commission on Labour* (n. 22), Vol. V, Part I, p. 42.
92. BSR, Bundle No. 29, Commerce Proceedings, A, December 1941. See Office notes to No. 37.
93. *Ibid.*



94. Government of India, Labour Investigation Committee : *Report on an Enquiry into Condition of Labour in Plantations in India* by D.V. Rege (Delhi, 1948), p. 92.
95. *Ibid.*
96. BSR, Bundle No. 55, Commerce Proceedings, B, file No. 1A-2(I) of 1941. See Letter No. 2589/175-O, dated 13 August 1938 from Secretary of the Indian Tea Association to Secretary, Government of Bengal, Department of Commerce and Labour.
97. *Ibid.*
98. *Ibid.*
99. *Ibid.* See, Letter from the Indian Tea Planters' Association, dated 14 January 1938.
100. *Ibid.* Letter No. 113/G, dated 26 January 1938 to Joint Secretary, Government of Bengal in the Commerce and Labour Department. The estates which did not have maternity benefit schemes were : Joypur (176 females), Srinathpur, Saraswatipur (281 females), Lakshmikanta, and Karala Valley (150 females).
101. *Ibid.* Letter from the Superintendent of Police, Chittagong. The two estates which did not pay maternity benefit were Thandacheri (71 females) and Agoma (5 females).
102. *Report of the Labour Investigation Committee* (n. 94), p. 55.
103. *Royal Commission on Labour* (n. 22), Appendix I, Summary of Recommendations, pp. 512-13.
104. See Abstract of Matters of Routine of the Government of Bengal for the month of December 1935, Commerce Department, B. Proceedings.
105. *Report of the Labour Investigation Committee* (n. 94), p. 57.
106. *Ibid.*
107. Commerce Proceedings, September 1936, No. 16, p. 43. See Government of Bengal's letter No. 11000—11010 Commerce, dated 23 November 1935.
108. *Ibid.*, May 1939, No. 20, p. 19. See Statement of Objects and Reasons to the Bengal Maternity Benefit Bill, 1937.
109. For example, Nalinaksha Sanyal speaking on the Maternity Benefit Bill said : "I . . . oppose this motion for reference of the Bill to a Select Committee. I would have very much welcomed the proposal that this Bill be taken into consideration at once . . .". See *Bengal Legislative Assembly Debates*, 30 September 1937, Vol. LI, No. 4, p. 2314.
110. *Ibid.*, pp. 2311-12. Among the 21 members of the Select Committee, five were women. They were : Begum Farhat Banu Khanum, Hasina Murshed, Hemaprava Majumdar, Ellen West and Mira Datt Gupta. Labour leader Sibnath Benerjee was also a member of the Select Committee. J.R. Walker, T.B. Nimmo and C.G. Cooper represented the employers' interests.
111. *Ibid.*, 29 July 1938, Vol. LIII, No. 1, p. 66.



112. Government of Bengal : *The Bengal Maternity Benefit Rules, 1940* (Alipore, 1940), p. 1.
113. *The Bengal Maternity Benefit Act, 1939* (Act IV of 1939), Section 4(1). The Act can be found in the Proceedings of the Government of Bengal in the Legislative Department, December 1940, Nos. 46-73, Appendix G.
114. *Ibid.*
115. *Ibid.*, Section 8.
116. *Ibid.*, Section 5(4).
117. *Ibid.*, Section 6(1).
118. *Ibid.*, Section 7(2)(a).
119. *Ibid.*, Section 7(2)(b).
120. See, minutes of dissent by Mira Datta Gupta in the *Calcutta Gazette*, 21 July 1938, Part IVA, p. 140.
121. *Bengal Legislative Assembly Debates*, 19 August 1948, Vol. LIII, No. 3, p. 251.
122. *Ibid.*
123. *Ibid.*, pp. 59-253; also minute of dissent by Sibnath Banerjee in the *Calcutta Gazette*, 21 July 1938, Part IVA, p. 139.
124. *Bengal Legislative Assembly Debates*, 19 August 1938, Vol. LIII, No. 3, pp. 252-53.
125. See minute of dissent by Hemaprava Gupta in the *Calcutta Gazette*, 21 July 1938, Part IVA, pp. 140-41.
126. *Report of the Labour Investigation Committee* (n. 94), p. 56.
127. *Ibid.*
128. *Bengal Legislative Assembly Debates*, 19 August 1938, Vol. LIII, No. 3, pp. 252-53.
129. *Annual Report on the Administration of the Indian Factories Act in Bengal for the year 1939* (Alipore, 1940), pp. 94-95.
130. *Ibid.*, 1946, pp. 102-5.
131. *Report of the Labour Investigation Committee* (n. 94), p. 57.
132. For the annual reports, the author searched through the indexes of the Department of Commerce and Labour till 1947 but in vain. It is most likely that publication was suspended after 1940 like many other government publications due to scarcity of paper and war emergencies.
133. *Report on the Administration of the Bengal Maternity Benefit Act for the year 1940* (Alipore, 1941), p. 3.
134. *Ibid.*, p. 1.
135. *Report of the Labour Investigation Committee* (n. 94), p. 58.
136. *Ibid.*
137. BSR, Bundle No. 29, Commerce Proceedings, A, December 1941. See, Office notes to No. 37.
138. See, Indian Tea Association's letter No. 2589/175-O, dated 13 August 1938 in BSR, Bundle No. 55, Commerce Proceedings, B, file No. 1A-2(I) of 1941.



139. *Ibid.*
140. BSR, Bundle No. 29, Commerce Proceedings, A, December 1941. See, Office note to No. 37.
141. *Ibid.*, see office notes of R.C. Parsons, dated 30 August 1939.
142. *Ibid.*, See, H.S. Suhrawardy's notes dated 3 February 1940.
143. BSR, Bundle No. 55, Commerce Proceedings, B, file No. 1A-2(IO) of 1941.
144. BSR, Bundle No. 29, Commerce Proceedings, A, December 1941. See office notes to No. 37. The conference was presided over by H.S. Suhrawardy and attended by the following M.K. Kirpalani, Joint Secretary, Commerce and Labour; C.K. Nicholl, Chairman, Indian Tea Association; C.W. Miles, MLA., Vice-Chairman, Indian Tea Association; P.J. Griffiths, MLA, Political Adviser, Indian Tea Association; J.B. Morrison, Assistant Secretary, Indian Tea Association; Geo McIntosh, Chairman, Duars Planters' Association; G. Wrangham-Hardy of the Darjeeling Planters, Association and D.C. Ghose of the Indian Planters' Association, Jalpaiguri.
145. *Bengal Legislative Council Debates*, 12 August 1941, Second Session, No. 10, pp. 256-61.
146. See Suhrawardy's speech, *Ibid.*, pp. 256-58.
147. *Ibid.*
148. See the Report of the Select Committee on the Bengal Maternity Benefit (Tea Estates) Bill, 1941 in the *Calcutta Gazette*, 4 September 1941, Part IVB, pp. 83-92.
149. *Ibid.*
150. *Ibid.*
151. *Ibid.*
152. *Bengal Legislative Council Debates*, 8 September 1941, Second session, No. 23, pp. 604-30.
153. *Ibid.*, pp. 627-28.
154. BSR, Bundle No. 1, Proceedings of the Government of East Bengal in the Department of Commerce, Labour and Industries (Labour) (Henceforth East Bengal Labour), B. file No. 1A-36/49, pp. 15-16. See, office notes dated 13 November 1943.
155. *Ibid.*, pp. 9-10. See, office notes dated 25 November 1941.
156. Enayetur Rahim, *Provincial Autonomy in Bengal (1937-1943)* (Rajshahi University, 1981), p. 162. For a detailed study of the role of the Europeans in Bengal politics during the time, see, *Ibid.*, pp. 162-203. For the numerical strength of parties in the legislatures, see, *Indian Annual Register*, Vol. I January-June, 1938 (Calcutta, n.d.), pp. xxv-xxvi; *Ibid.*, Vol. I, January-June, 1942 (Calcutta, n.d.), p. 2.
157. BSR, Bundle No. 1, East Bengal Labour, B, file No. 1A-36/49, p. 10. D.S.P. Mukherji, Assistant Secretary of the Department in his note dated 20 January 1943 wrote "Perhaps this Bill should be held up till after the war" while M.K. Kirpalani, Joint Secretary



- of the Department opined on 22 January 1943 that "the present does not seem opportune time to proceed further with the Bill. But H.M. should see". The Hon'ble Minister K. Habibullah agreed with the observations of the officials. See, *Ibid.*
158. The Speaker wrote thus : "... the Bengal Maternity Benefit Bill (Tea Estates), Bill, 1941, as passed by the Council (continuance, consideration and passing), I am afraid, cannot be allowed to be shown in the list of business for the 3rd April, 1944. The Bill in question has lapsed. I am strengthened in my view on the question of lapse by a precedent exactly on point. The Bill, in my opinion, cannot be proceeded with and no question of continuance, consideration and passing of the Bill arises". See, copy of the orders of the Hon'ble Speaker, dated 1 April 1944 in *Ibid.*
  159. See, G.M. Ratcliff's notes, *Ibid.*, pp. 22-23.
  160. *Ibid.*, p. 24.
  161. *Ibid.*
  162. *Ibid.*
  163. See, G.M. Ratcliff's notes dated 29 April 1946 in *Ibid.*, p. 26.
  164. *Ibid.* See office notes.
  165. The International Labour Organization, Geneva, had set up a tripartite machinery whereby the government, the representatives of employers and labour discussed questions relating to all labour problems. The Government of India adopted similar procedure with regard to industrial labour since 1944 and had decided to extend the same to plantation labour. Accordingly, the first labour conference on tea plantation on the tripartite basis was held in New Delhi on 8 and 9 January 1947 at the Imperial Secretariat Building with Jagjivan Ram, Labour Member in the chair. Being "forced with a solid opposition comprising the central and provincial governments and the workers' representatives", the tea interests agreed to grant enhanced benefits, including maternity benefits. See, BSR, Bundle No. 1, East Bengal Labour, C, file No. 3C-42/49 on "Tripartite Conference on Tea Plantation Labour".
  166. BSR, Bundle No. 1, East Bengal Labour, B, file No. 1A-36/49. See printed abstract on the top of the file.
  167. BSR, Bundle No. 10, Proceedings of the Government of East Bengal in the Legislative Department, B Proceedings, File No. L-1A/50 of 1953.
  168. *East Bengal Legislative Assembly Proceedings*, 27 February 1950, Vol. IV, No. 7, pp. 39-43.
  169. *Commerce Proceedings*, July 1925, No. 53, p. 121.
  170. *Ibid.*, also H.J.W. Hetherington, *International Labour Legislation* (n. 1), pp. 84-85.
  171. According to the report of the Public Health Commissioner there were in 1937 some 99,000 deaths from cholera a little over 54,000 deaths from small-pox and about 28,000 from plague; but maternal mortality was greater than deaths from any of these. See Mithan



Jamshed Lam "Maternity Benefit in India" in *Indian Labour Problems* ed. by A.N. Agarwala (Allahabad, 1947), p. 177. It may be mentioned here that the death rate among infants born while the mother was engaged in mill work was high, even in comparison with known high death rate among young children in and around Calcutta. See, Dagmer F. Curjel, *Women's Labour in Bengal Industries* (n. 82), p. 21.

172. Enayetur Rahim, *Provincial Autonomy* (n. 156), p. 26.
173. It reminds us of Fazlul Huq's letter to the Governor, John Herbert, dated 2 August 1942 where Huq was critical of the dubious role of the permanent officials in the running of the administration. In his letter to the Governor, Huq wrote: "... beneath the pretentious device of Ministers functioning in a system of Provincial Autonomy, the real power is still vested in the permanent officials; the Ministers have been given a mockery of authority, and the steel frame of the Imperial Services still remains intact, dominating the entire administration, and casting sombre shadows over the activities of Ministers. . . . "See, Shila Sen, *Muslim Politics in Bengal: 1937-1947* (New Delhi, 1976), Appendix VI, p. 272.
174. *Report of the Labour Investigation Committee* (n. 94), p. 9.